

REMARKS

Summary of the Office Action

Claims 1-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sakai (GB 2 225 147) (hereinafter "Sakai").

Summary of the Response to the Office Action

Claims 1, 6-11 and 20-23 are amended to differently describe the invention. Accordingly, claims 1-23 remain currently pending.

Rejection under 35 U.S.C. § 102(b)

Claims 1-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sakai. To the extent that this rejection might be considered to still apply to the claims as newly amended, it is respectfully traversed as follows.

In the Amendment filed on September 22, 2003, independent claim 1 was newly-amended to recite an information record medium combination which further includes "first management information for the first reproducing apparatus" and "second management information for the second reproducing apparatus." The first management information was further described in the claim as being recorded in the video zone of the information record medium, where the substantial information and the first reproduction control information are also recorded. Moreover, the second management information was further described in the claim as being recorded in the audio zone of the information record medium, where the second reproduction control information is also recorded.

Applicants explained that in the Detailed Description of the Preferred Embodiments portion of the instant application's specification, the first management information is described as VMG, shown, for example, in FIG. 5, the first reproducing apparatus is a DVD-Video Player, for example, the second management information is AMG, shown, for example in FIG. 5, and the second reproducing apparatus is a DVD-Audio Player, for example.

Applicants explained that Sakai does not disclose, teach or suggest the "first management information for the first reproducing apparatus" and the "second management information for the second reproducing apparatus," provided in an information record medium combination as recited in newly-amended independent claim 1. For at least these reasons, Applicants explained that the present invention is quite different from the electronic still camera arrangement disclosed in Sakai.

Also in the previous Amendment filed on September 22, 2003, independent claim 6 was newly-amended to recite an information reproducing apparatus for reproducing an information record medium along the lines of that recited in newly-amended independent claim 1. Further, the information reproducing apparatus combination recited in independent claim 6 was newly-amended to include a reproducing device that reproduces the substantial information "in accordance with the first management information and the first reproduction control information when a reproduction of the video information and the audio information is instructed." The reproducing device of newly-amended independent claim 6 was further recited as one that reproduces the substantial information "in accordance with the second management information and the second reproduction control information when a reproduction of only the audio information is instructed."

Applicants explained that because Sakai does not disclose, teach or suggest the “first management information” and the “second management information” as explained above, it follows that Sakai also does not disclose, teach or suggest that the reproducing device of Sakai reproduces substantial information “in accordance with the first management information and the first reproduction control information when a reproduction of the video information and the audio information is instructed”, and that the reproducing device reproduces substantial information “in accordance with the second management information and the second reproduction control information when a reproduction of only the audio information is instructed.”

Applicants went on to explain that Sakai does not disclose the combination of the first reproduction control information and the first management information (combination of VTSI and VMG, for example), and the combination of the second reproduction control information and the second management information (combination of ATSI and AMG, for example). For at least these reasons, Applicants explained that the present invention is quite different from the electronic still camera arrangement disclosed in Sakai.

With regard to independent Claims 7 to 11, and 20 to 23, Applicants explained that the rejection under 35 U.S.C. § 102(b) should be withdrawn for at least the same or similar reasons as described above with regard to newly-amended independent claim 6.

Applicants respectfully submit that the arrangements and methodologies described in the instant application involve an information record medium that is compatible, for example, with two types of information reproducing apparatuses: 1) a first reproducing apparatus having video

and audio reproduction ability (for example, a video DVD player), and 2) a second reproducing apparatus having audio only reproduction ability (for example, an audio DVD player).

The applied Sakai reference, on the other hand, discloses an electronic still camera that is able to record and playback sound signals and still pictures. However, Sakai's camera is only disclosed as being able to reproduce sound signals and still pictures that were recorded by that particular camera. Accordingly, Applicants respectfully submit that Sakai does not teach or suggest an apparatus or methodology of reproducing sound signals and/or still pictures that were recorded by other cameras. Thus, even assuming, strictly arguendo, that the general technical field of the still camera arrangement of Sakai did apply in some way to the general technical field of the arrangements and methodologies recited in the claims of the instant application, Sakai is still quite different from the recited features of the currently pending claims.

At pages 2-3 of the latest Office Action, the Examiner asserts that

“As shown by Sakai, the control information reads on the control code that correspond together to the audio and video signals during the simultaneous reproduction of the video signal with the audio signal, and this control code also reads on the claimed first management information for the first reproduction apparatus (see Sakai, page 6, lines 10-17)... Again, as shown by Sakai, this control information reads on the control code that corresponds to the audio signal during the reproduction of the audio signal only, and this control code reads on the claimed second management information for the second reproduction apparatus (see Sakai, page 6, lines 10-17).”

Applicants respectfully traverse these assertions in the Office Action. For example, as per the Office Action's statements with regard to the “second management information for the second reproduction apparatus,” Applicants note that Sakai's description teaches that when the sound signals are recorded, sound signals can be reproduced according to the corresponding control code. Also, Sakai's description teaches that when the sound signals are recorded together

with picture signals, the sound and picture signals can be reproduced together. However, Applicants respectfully submit that Sakai does not teach, or even suggest, that when sound signals are recorded together with picture signals, only the sound signals can be extracted from the sound and picture signals and can be reproduced on the basis of the corresponding control code, as recited in the claims of the instant application. Moreover, Sakai does not teach, or even suggest, an apparatus that is able to reproduce audio, but not pictures. Even further, Sakai does not teach, or even suggest, that the audio portion of a recording of combined picture and audio signals, which were recorded by the Sakai's still camera, can be played back on a separate apparatus that is only able to reproduce the audio portion of the recording of combined picture and audio signals.

Moreover, Applicants respectfully submit that Sakai differs from the arrangements and methodologies recited in the claims because each of the independent claims recites that the substantial information including video information and audio information is recorded in the video zone, and the second reproduction control information is recorded in the audio zone. In other words, Applicants note that the video zone, having audio information recorded as part of substantial information recorded therein, is different from the audio zone where the second reproduction control information (audio information reproducing control information) is recorded. As a result, the second reproducing apparatus having audio only reproduction ability (for example, an audio DVD player) can extract the audio information from the substantial information and reproduce only the audio information from the video area of the disc.

On the other hand, as disclosed at page 7, lines 12-17 and Fig. 4 of Sakai, sound signals and a control code of the sound signal are stored in the same sector. Accordingly, Applicants

respectfully submit that Sakai does not teach, or even suggest, that its disclosed apparatus can extract and reproduce only sound signals from a recording comprised of combined sound and picture signals, in the manner recited in the claims of the instant application.

Moreover, Applicants wish to clarify a particular feature recited in each of the independent claims of the instant application. These claims previously recited “a second reproducing apparatus with audio only reproduction ability.” In previous responses and in the specification of the instant application, Applicants have previously explained that “audio only reproduction ability” means a reproducing apparatus that has the ability to reproduce audio, but is not able to reproduce video. An example of such a reproducing apparatus is a DVD-Audio player. It appears that the Office Action has interpreted this feature as being met by a reproducing apparatus that has the ability to reproduce pictures alone, audio alone, and pictures and audio combined. Accordingly, Applicants have amended each of the independent claims to amend the recitation of the “second reproducing apparatus” in order to clarify Applicants’ intention that the second reproducing apparatus is “able to reproduce audio, but is not able to reproduce video.” Applicants respectfully submits that Sakai’s electronic still camera clearly does not meet this limitation of each of the independent claims, as newly amended.

The Examiner goes on to note at page 3 of the Office Action that “Applicant’s argument that Sakai fails to disclose VTSI, VMG, ATSI and AMG are irrelevant because VTSI, VMG, ATSI and AMG are not in the claims.”

In accordance with the Examiner’s comment in this regard, and in the interest of expediting prosecution of this application, Applicants have opted to further amend each of the independent claims to specifically recite that the first reproduction control information is Video

Title Set Information (VTSI), the first management information is Video Manager (VMG) information, that the second reproduction control information is Audio Title Set Information (ATSI), and that the second management information is Audio Manager (AMG) information. Applicants respectfully submit that these features, as recited in the respective combinations of each of the independent claims, as newly amended, are clearly neither shown nor suggested by Sakai.

Accordingly, for at least the foregoing reasons, Applicants respectfully assert that the rejection under 35 U.S.C. § 102(b) should be withdrawn because Sakai does not teach or suggest each feature of independent claims 1, 6-11, and 20-23, as amended. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicants respectfully assert that dependent claims 2-5 and 12-19 are allowable at least because of the respective dependence from independent claims 1 and 6-11, as amended, and the reasons set forth above.

CONCLUSION


In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims 1-23. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: June 2, 2004

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